

UNITED STATES DISTRICT COURT

Eastern District of Massachusetts

MARIA ALVES, Plaintiff)	DOCKET NO. 05CV10352 RCL
)	
V.)	
)	
PAUL F. WALSH, JR.,)	
DISTRICT ATTORNEY, AND)	
THE CITY OF FALL RIVER,)	
Defendants)	

**MOTION TO DISMISS PURSUANT TO
FED. R. CIV. P. 12(b)(1),(6)**

Defendant, Paul F. Walsh, Jr., District Attorney, hereby moves the Court to dismiss the Complaint against him pursuant to Fed. R.Civ.P.12(b)(1),(6) for failure to state a claim upon which relief may be granted, and lack of subject matter jurisdiction.

As grounds therefore, the defendant relies upon the Memorandum of Law in Support of the defendant's Motion to Dismiss Pursuant to Fed. R. Civ. P. 12 (b)(1),(6), filed contemporaneously with this Motion.

WHEREFORE, the defendant respectfully requests that this Court dismiss the Complaint with prejudice.

Local Rule 7.1(A)(2) Certificate

The undersigned attempted to confer with counsel for the plaintiff to attempt in good faith to narrow the issues raised by this motion, but failed.

REQUEST FOR ORAL ARGUMENT

Defendant hereby requests oral argument.

DEFENDANT,

PAUL F. WALSH, JR.,
DISTRICT ATTORNEY,

By his attorney,

William R. Connolly
Assistant District Attorney
Bristol District
P.O. Box 973
888 Purchase Street
New Bedford, MA. 02740
(508)-997-0711
BBO # 095640

Dated: April 15, 2005

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above document was served upon the attorneys of record for the parties by mail on April 15, 2005.

William R. Connolly